



Lamoine Board of Selectmen

606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242
town@lamoine-me.gov

Minutes of July 23, 2009

Chair Jo Cooper called the meeting to order at 6:55 PM at the Lamoine Consolidated School following the adjournment of the special town meeting.

Present were: Selectmen Cynthia Donaldson, S. Josephine Cooper, Gary McFarland, Kermit Theall; Administrative Assistant Stu Marckoon, Road Commissioner Michael Jordan, William, Tammy and Will Dickey and John Cooper.

This meeting was NOT recorded for TV.

Minutes – July 2, 2009 – Cynthia moved to approve the minutes as written. Kermit 2nd.
Vote in favor was 4-0.

Eagle Scout Project – Will Dickey showed off his plans to rebuild the recycling container at the Lamoine Consolidated School. He said this would be his Eagle Scout project and has been approved by the Boy Scout Council. He said he would be taking apart the present recycling container and rebuilding it. He said the new container would be a little bigger and taller and the disposal slot will be reconfigured to make it easier to put cardboard in. He said the proposal calls for the container to remain in the same location, but it would be portable.

Jo asked how long it would take to build. Mr. Dickey said he planned to build most of it at home and assemble it on site, and that would take several hours. Jo noted that Eagle Scout candidates have to organize their project. Mr. Dickey said he had raised the money needed and he's waiting on lumber companies for material donations. Kermit asked if Mr. Dickey could get him a list of needed materials, and advised he could leave it with Stu.

Jo noted she was once Mr. Dickey's Cub Scouting Leader. She said it was one of the goals of the Board of Selectmen to promote positive activities by young people.

Expenditure Warrant 2 – Selectmen reviewed the warrant for \$245,057.47. Stu reported the biggest expenditures were \$175,000 for RSU #24 and \$23,000 for the fire truck. He noted that the heating fuel and ambulance contract were paid as required by the contract prior to the signing of warrant and that he had notified the board via e-mail of that intent and there was no objection. Selectmen signed the warrant.

Cash & Budget Report – Stu noted the 08/09 budget now shows an overexpenditure on roads, as he booked the potential encumbrance order from the storm of 6/20/09 in anticipation the Selectmen would sign the order. He said a request to FEMA has gone in and there may be federal funding to help with that damage. He said the bills for the repairs have not yet come in. Stu noted a report for the current fiscal year is now included with the budget report.

Checking Account Reconciliation – Selectmen signed the form expressing satisfaction with their review of the reconciliation of the checking account.

Tax Liens – Stu reported the liens were filed on July 6, 2009. He said he was surprised the number and value of the liens was as low as it was, given the economy.

Encumbrance Orders – Stu explained the fire department encumbrance was for a grant for traffic safety gear and for portable back pumps which the chief had authorized but did not get around to ordering prior to the end of the fiscal year. He said both keep the town within budget. He said the Road encumbrance was for the damage listed for the FEMA report.

Jo moved to approve both orders. Kermit 2nd. **Vote in favor was 4-0, Selectmen signed the encumbrance orders.**

Cash Flow Report – Stu reported that he had prepared a lengthy report on the cash flow situation and had some serious concerns. He said those concerns were abated after he called RSU #24 and was informed there was no penalty for late payments provided the payment is received within 60-days of the due date. He said he would recommend that the August and September bills be delayed until there is enough cash to cover the payments. He said other options for improving cash flow included a tax anticipation note, changing the due dates of property taxes proposed to town meeting, and delaying paving so that it comes at the end of the fiscal year instead of the beginning. There was a brief discussion about paving and the timing of such and whether it would be beneficial to piggyback two years' worth of paving together.

Stu also reported that several transfers approved by town meeting would be made next week, moving cash from individual reserve funds to the general fund.

Appointments – Jo moved to appoint Nicholas Pappas to the Board of Appeals. Gary 2nd. **Vote in favor was 4-0.**

Jo moved to appoint Gordon Donaldson to the Local School Advisory Committee. Kermit 2nd. **Vote in favor was 3-0 (Cynthia Donaldson abstained)**

Shellfish Regulation Advisory Committee – Stu reported he spoke with Jim Norris earlier in the day and had placed a progress report with the materials left for the Selectmen this evening. He said he also drafted up a more formalized program outlining the expectations for the committee and its scope of work and authority.

Cynthia noted there was a nice article in the newspaper about the effort. Jo said there was a regional meeting, and apparently there was a desire by that group to have Selectmen attend future regional meetings. She suggested Dick Fennelly, Jr. would be a good choice.

Jo moved to go ahead and formalize the Shellfishing Regulation Advisory Committee. Gary 2nd. **Vote in favor was 4-0, Selectmen signed the program document**

Selectmen signed the formal appointment papers for James Norris, Jennifer Reynolds and Paul Davis to be members of the above formed committee. The appointments had been orally voted at the July 2, 2009 meeting.

Cell Phone Tower – Stu reported that Verizon Wireless (VZW) had e-mailed him about a concern raised at the public hearing before which the Planning Board had approved the facility construction. He said VZW was interested in drafting a contingency entrance plan in case the old dump road entrance may be tied up in an ownership dispute. A short discussion followed on who owns the old dump road.

Jo said it makes sense to have the contingency plan if that would satisfy VZW. A short discussion followed. Jo moved to authorize Stu to contact VZW and express that an alternate entrance plan would be entertained. Kermit 2nd. **Vote in favor was 4-0.**

Fire Truck Loan Bid – Stu reported the bids came in unmarked envelopes from the banks and that he had opened them, not knowing what was inside. The results were as follows:

Fire Truck Loan Bid Summary

Bidder	Interest	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Union Trust	3.91%	\$8,383.71	\$8,110.01	\$7,834.79	\$7,555.00	\$7,277.50	\$39,161.01
Bar Harbor Bank & Trust	3.19%						\$38,469.95
The First, NA	3.49%	\$8,221.50	\$7,977.20	\$7,734.91	\$7,488.60	\$7,244.30	\$38,666.51
Machias Savings	no bid						
Bangor Savings	no bid						

Kermit moved to award the bid to Bar Harbor Bank & Trust and to approve the following votes as transmitted by bond counsel:

***VOTED:** That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, and action of the voters of the Town at an annual town meeting held on April 7 and April 8, 2009, and any other applicable authority under the laws of the State of Maine, the Selectmen of the Town are hereby authorized to borrow on behalf of the Town from Bar Harbor Bank & Trust, a principal amount not exceeding Thirty-Five Thousand Dollars (\$35,000) at an interest rate not to exceed 3.19% per annum, payable over a period not to exceed five (5) years to finance the purchase of a fire brush truck for the Town (the "Project"), said loan to be evidenced by the 2009 General Obligation Bond of the Town, to be executed and delivered to Bar Harbor Bank & Trust on behalf of the Town by the Treasurer and counter-signed by a majority at least of the Selectmen (the "Bond"), to be on such other terms and conditions as may be determined by the Treasurer and a majority at least of the Selectmen.*

***VOTED:** That all actions heretofore taken by the municipal officers of the Town relating to the issuance of the Town's 2009 General Obligation Bond to Bar Harbor Bank & Trust, be and they hereby are ratified, approved and confirmed.*

***VOTED:** That pursuant to the requirements of the Tax Reform Act of 1986 and the Internal Revenue Code of 1986, as amended, the Town designates the Bond to be a "qualified tax exempt*

obligation" of the Town, and that the Town shall not issue in 2009 an aggregate total amount of qualified tax exempt obligations in excess of \$30,000,000. Further, the Town does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2009.

VOTED: That the Town shall take any and all actions required under the Tax Reform Act of 1986 and the Internal Revenue Code of 1986 as amended to maintain the tax exempt status of the interest on the Bond, and to maintain the status of the Bond as a "qualified tax exempt obligation" of the Town, and that the Bond may be subject to such further terms and conditions as may be agreed to by a majority at least of the Selectmen and the Treasurer of the Town to carry into effect the full intent of this resolution.

VOTED: That the law firm of Eaton Peabody, is hereby designated as Bond Counsel for the Town to advise the Town with respect to the issuance and sale of the Bond, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

VOTED: That the municipal officers and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of the foregoing votes or any one of them.

Selectmen signed the form provided by bond counsel.

Road Mowing – Jo moved to authorize the road commissioner to seek estimates for roadside mowing and award at his discretion. Kermit 2nd. **Vote in favor was 4-0.**

MMA Executive Board Vote – Selectmen discussed the various candidates and made their selection for Vice President as Mark Green of Sanford. The ballot was signed in the appropriate place.

Request for Blind Person Sign on Buttermilk Road – Jo said Mike Arsenault had requested a sign on behalf of a visually impaired neighbor. Kermit said if such a sign is put in, the town would have to maintain it. Jo said she met the gentleman who would be the supposed beneficiary. There was a discussion about similar signs to warn of children playing and whether they are effective. The Board asked Stu to explore the issue further. Jo said she's not against assisting blind people, but she was not sure if it would enhance safety.

Other Business

Snowmobile Club Parking – Gary said Charlie Harding, the President of the Frenchman Bay Riders Snowmobile Club, approached him about enlarging the parking area in front of the clubhouse. Stu said that's partially a Planning Board issue as the land is in the Shoreland Zone. He said the land belongs to the town, but the club house belongs to the Snowmobile Club, and there is no formal land lease with the town. It was agreed to invite Mr. Harding to the next meeting to discuss those matters.

Broadband Service Grant – Jo said the Faith in Action organization is looking at a grant in regard to improving broad band access in rural areas and was interested to see if it might benefit Lamoine. She said the grant is for infrastructure items and looks like a possible opportunity to access federal stimulus money. She said she would forward a link to Stu. A short discussion followed.

Road Commissioner – Job Description/Authority – Michael Jordan said there is no real policy on who the Road Commissioner should hire to fix up the roads. Jo said it has been an informal policy. Mr. Jordan said he works closely with Jay Fowler in his private employment, and if there are no guidelines, he would call Mr. Fowler. He asked whether that is acceptable, or should there be some sort of policy on a rotating basis.

Jo said since she has been on the board there has been an effort to encourage buying contractor service from in town contractors first, and to try to rotate among the local contractors. She said the road commissioner has to be comfortable with the contractor's qualifications and whether they can respond quickly.

Mr. Jordan said he was talking about small work. He said he called Mr. Fowler after Buttermilk Road was paved and told him to go ahead and grade up the shoulders. He asked if that was the right thing to do. Cynthia said she didn't think it was. She said Mr. Fowler is not on a retainer.

Jo said she appreciated this being brought up. She said the other issue is that assigned work is not taken care of expeditiously. She said the first concern is to be fair and assign the work in an appropriate way without showing favoritism. She said the 2nd concern is to make sure work is completed in a timely fashion.

Gary asked about using a rotation in the past. Mr. Jordan said he's in an odd position. He said if he were to call Richard King, he worries that Mr. Fowler might be offended. He said there should be a policy. Jo said a policy could be developed, with the first choice being local, and to offer work on a rotating basis. Stu said he would try to draft up something for the next meeting. Jo said it's difficult in a small town.

Mr. Jordan said his other concern was his job description which refers to work by the road commissioner being compensated at \$10/hour. He said it's not worth it to him to do that, so everything would be farmed out to a contractor, which would be really expensive for small jobs. Stu said it is a very old job description, as evidenced by reference that the salary is set by town meeting. He said it needs to be revamped. Jo said the Board would look at this on the next agenda.

Next Meetings – The Board will meet on August 6, September 3, September 17, October 1, and October 15. There will not be a meeting on October 29, 2009 unless events require it.

There being no further business, the meeting adjourned at 8:08 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.